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Ontario Civilian Commission
on Police Services
Annual Report

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Government
Publication

ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

ANNUAL REPORT

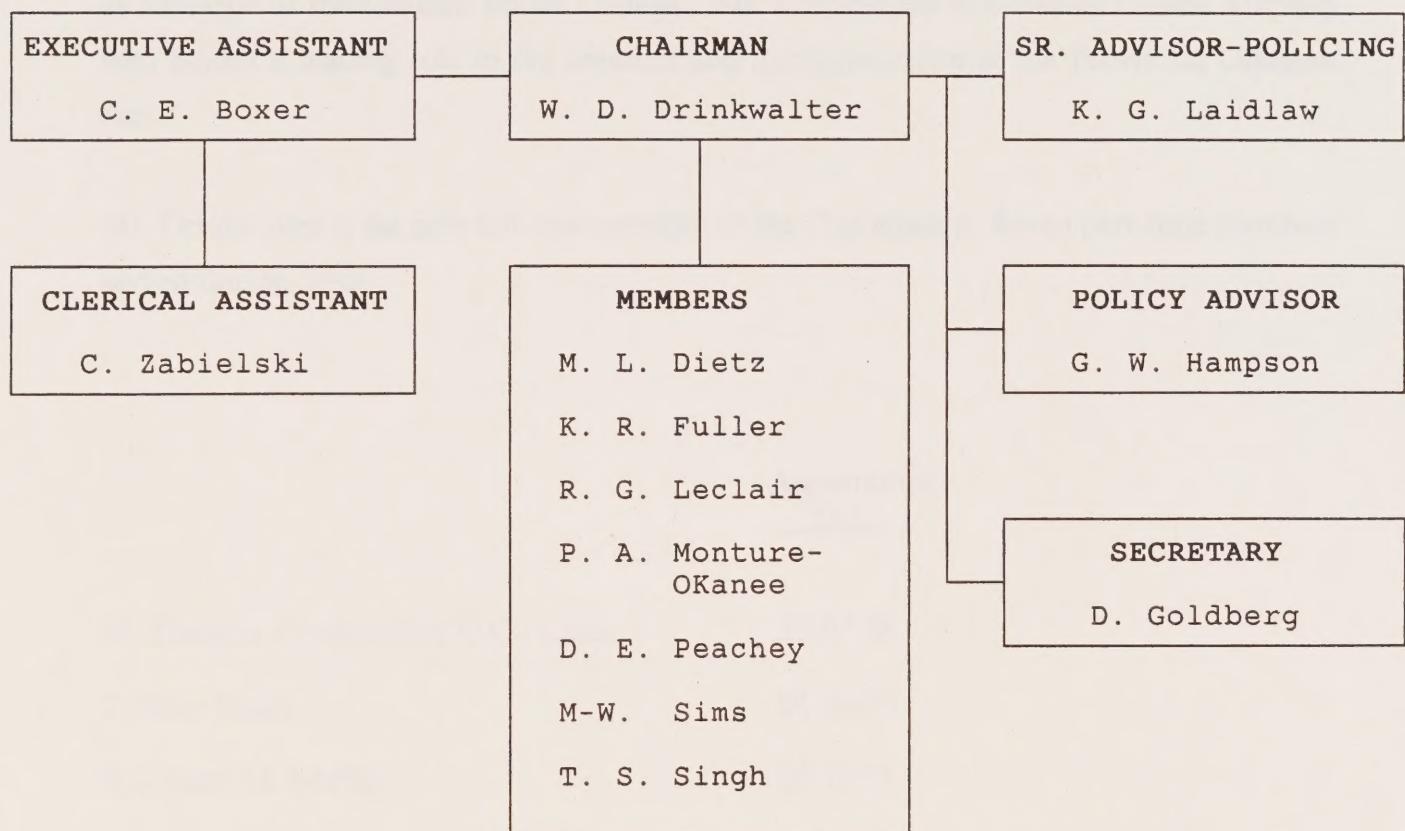
1993



ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

ORGANIZATIONAL CHART

1993



ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES MEMBERSHIP

W. Douglas Drinkwalter, Q.C. was appointed Chairman on July 25, 1988. He previously served as Chairman of the Liquor Licence Board of Ontario. From 1982 to 1986 he served as Director of the Ontario Police College. Mr. Drinkwalter is a former Crown Attorney who played a leading role in the creation and implementation of the Provincial Offences Act.

Mr. Drinkwalter is the only full-time member of the Commission. Seven part-time members served during 1993.

	<u>Appointment</u> <u>Date</u>
W. Douglas Drinkwalter, Q.C., Chair	25-07-88
T. Sher Singh	04-04-90
Raymond G. Leclair	09-10-91
Mary Lou Dietz	25-03-92
Karl R. Fuller	25-03-92
Patricia A. Monture-OKanee	25-03-92
Dean E. Peachey	23-08-93
Mary-Woo Sims	23-08-93

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ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

The Ontario Civilian Commission on Police Services had an active year in 1993. Two public inquiries - one in Belleville and the other in Exeter - received considerable media attention.

In 1993 the Commission also concluded the work begun by its predecessor, the Ontario Police Commission, by accepting the response of the Metro Toronto Police Services Board to the 24 recommendations made following the Junger inquiry into the internal investigations of the Metropolitan Toronto Police Force.

Much of the work of the Commission in 1993 involved disbandment hearings for small municipal forces when the municipality wished to contract for police services with the Ontario Provincial Police. Hearings were held in Kapuskasing, Marathon, Exeter, St. Marys and Kincardine. All five communities are now policed by the OPP.

The Commission conducted budget hearings in Cobourg and Exeter, when council and the Police Services Boards in those municipalities asked for assistance under the provisions of Section 39(4) of the Police Services Act.

The organizational structure of the Commission in 1993 consisted of a full-time Chairman, W. D. Drinkwalter, Q.C., and seven part-time members. There were two advisors and a small administrative support staff.

The senior advisor - policing was involved in a number of informal resolutions of problems encountered by police services boards and their senior administration. These included visits to Owen Sound, Renfrew, Wallaceburg, Amherstberg and Ottawa.

PUBLIC INQUIRIES

BELLEVILLE INQUIRY

The public inquiry into the administration of the Belleville Police Service continued throughout 1993. It was the first inquiry held under the new Ontario Police Services Act.

A three member panel - Chairman Douglas Drinkwalter, Karl Fuller and Raymond Leclair - sat in Belleville for several weeks over the course of the year.

The inquiry was originally called in the Fall of 1992 at the request of the Solicitor General and the Belleville Police Association to look into the management practices of Chief Robert Begbie, Deputy Chief Wayne Tremble and the Belleville Police Services Board.

Chief Begbie retired in May, 1993 and there was almost a complete turnover of the Police Services Board. A new Chief of Police, David Klenavic, was hired.

The Commission hearings focused on the performance of Deputy Chief Tremble in the latter part of the year. A total of 20 witnesses were called to testify on the management of the service in recent years. Eighty-seven exhibits were filed.

The Commission has the authority to demote or even dismiss a police officer following such an inquiry. It is expected the Commission's findings will be conveyed to the parties to the hearing and made public sometime in 1994.

EXETER INQUIRY

The Commission decided to inquire into and report on the administration of the Exeter Police Force, including:

1. The conduct and performance of duties of the members of the Exeter Police Services Board;
2. The conduct and performance of duties of the Chief of Police.

The public inquiry commenced on April 13, 1993, with Chairman Drinkwalter and Mary Lou Dietz presiding. When the inquiry reconvened on May 17, 1993, it was learned that authorities in Exeter were considering abolishing the force and having service provided by the Ontario Provincial Police. The hearing was adjourned. When a final meeting was held on November 29, 1993, the town had entered into a contract with the Ontario Provincial Police and the former Chief was a member of that Force.

The Commission ruled that the fact that the Board and Chief were unable to work together had caused all the problems in Exeter. That relationship had been severed by the OPP contract and the inquiry was aborted.

JUNGER/WHITEHEAD INQUIRY

The report of the Metro Toronto Police Services Board in response to the Commission's recommendations pursuant to the Junger/ Whitehead inquiry was received on February 25, 1993.

Included was a directive to the Chief of Police issued by the Metro Board on December 17, 1992.

The OCCPS report was made public in August, 1992 and contained some 24 recommendations. The Commission panel consisted of Frank D'Andrea, Chairman, Julio Menezes and Jean Beauprie.

The Commission approved the response of the Metro Toronto Board and Mr. Drinkwalter advised Chair Susan Eng of that decision on August 5, 1993.

DISBANDMENT HEARINGS

TOWN OF EXETER - June 29, 1993

OCCPS Disposition: The Commission finds no reason for denying its consent to the abolition of the Exeter Police Force, save only the outstanding issue with respect to severance for Ms. Taylor.

The Commission hereby consents to the abolition of the Exeter Police Force on the understanding that policing services will be provided by the OPP pursuant to the proposal put before them and order that if Ms. Taylor and the Board cannot reach an agreement dealing with severance pay the matter be submitted to arbitration pursuant to Section 40 of the Police Services Act.

TOWN OF KAPUSKASING - August 18, 1993

OCCPS Disposition: The Commission hereby consents to the Kapuskasing Police Force being abolished.

The Commission hereby orders that the matter of severance pay for the five full-time and two part-time civilian members of the Kapuskasing Police Force be submitted to arbitration in accordance with Section 40 of the Police Services Act.

TOWN OF ST. MARYS - September 28, 1993

OCCPS Dispositon: The Commission consents to the abolition of the St. Marys Police Force.

TOWN OF KINCARDINE - September 29, 1993

OCCPS Disposition: The Commission hereby consents to the abolition of the Force.

The Chief and Deputy Chief may apply to the Commission with respect to severance pay following their negotiations with the OPP. Should they be dissatisfied, the Commission is prepared to order the matter be submitted to arbitration in accordance with Section 40 of the Police Services Act. The other uniform members of the Force have been offered employment by the OPP.

The Board has entered into agreements dealing with severance pay with respect to the civilian members of the Force.

TOWN OF MARATHON - September 30, 1993

OCCPS Disposition: With respect to the termination of the present members of the Police Force, it is anticipated that all uniform personnel will be employed by the OPP. The Board has entered into

severance agreements with each of the five civilian members of the Force.

For the above reasons the Commission hereby consents to the abolition of the Marathon Police Force in order that service may be provided by means of a contract with the Solicitor General for the service of the OPP.

BUDGET HEARINGS

TOWN OF COBOURG - April 22, 1993

OCCPS Disposition: The Board's proposal cannot be justified because of the economic climate and the Town's inability to pay.

The proposal put forward by municipal council is, on the other hand, not generous but reasonable.

For the above reasons, the Commission approved the budget of the Cobourg Police Services Board in the sum of \$2,130,340.00.

The Cadet program must be cancelled as it is an increase in the size of the police force which has not been approved by municipal council nor by the Commission. The further reductions are for the Board to determine. The Commission invites the Board to give careful consideration to the recommendations made by council.

TOWN OF ATIKOKAN - November 1, 1993

OCCPS Disposition: In order to find further cost savings next year the Commission makes the following recommendations:

1. That members of the Police Services Board ascertain through the Ontario Association of Police Services Boards what training or education is available in the matter of budgeting.
2. That a workload study be done.
3. The Board must give serious consideration to layoffs or shorter work weeks.
4. That council and the Board seek assistance from the Ministry of the Solicitor General in order that they may adjust to the consequences of the Police Services Act.
5. That the Board and council invest some money in a fact finding exercise.

COMPLAINT HEARINGS

The Ontario Civilian Commission on Police Services continues to have jurisdiction over citizen complaints in which a Chief of Police rendered his decision prior to the proclamation of the Police Services Act on December 31, 1990.

One such hearing under the provisions of Section 58 of the former Police Act was held in Toronto on November 8, 1993.

The complaint against the London Police Force arose out of an incident that occurred on October 20, 1990 during the homecoming celebrations of the University of Western Ontario.

OCCPS Disposition: The panel cannot condone direct physical interference with a police officer engaged in the execution of duty.

Complaint not substantiated.

MISCELLANEOUS HEARINGS

CITY OF ORILLIA - June 14, 1993 .

Application: By the Orillia Police Services Board pursuant to Section 116 of the Police Services Act to have the Ontario Civilian Commission on Police Services determine the status of two positions. The first position is that of executive assistant to the Board; the second position is that of executive assistant to the Chief of Police.

OCCPS Disposition: Executive Assistant to the Chief: The executive assistant to the Chief, being directly and intimately involved in the operation of a police service, is properly characterized as a "senior officer" and thus eligible to be a member of the Senior Officers Association.

Executive Assistant to the Board: The Board argues that the incumbent is employed directly by the Board and answerable directly to the Board and thus ought to be excluded from either association. The Board's argument is based upon the structure of the Police Services Act, the duties of a Police Services Board and, in particular, Section 31(3) which prohibits the Board from giving orders and directions to "members of the police force" other than the Chief of Police.

Assuming, but without finding, that it is possible for a Board to have an employee who is not eligible for membership in either association the facts in this case do not support such a finding. The information put before the Commission indicates that the incumbent spends approximately 75 per cent of working time performing tasks for which the Chief is directly responsible. This person is characterized as a "senior officer" and accordingly is eligible for membership in the Senior Officers Association.

TOWN OF GODERICH - September 9, 1993

Application: Pursuant to Section 40 of the Police Services Act for consent of this Commission to the termination of six employees (two part-time) of the Goderich Police Services Board.

These persons operate the communications centre which provides service, inter alia, to the police forces in Exeter, Clinton and Seaforth as well as Goderich.

OCCPS Disposition: The Commission is unable to grant its consent to terminate the employment of these six people for two reasons:

1. There is no proposed alternative system.
2. One of the possible alternatives to the present system is for each community to provide its own communication system. In this event Goderich may well require the employment of these six people to operate its own system.

For the above reasons this Commission refuses its consent to terminate the employment of the six individuals in question. Because of the unusual circumstances, this refusal is without prejudice to Goderich, or the other participating Police Services Boards, to make a similar application in future.

The Commission had scheduled a hearing in Goderich for December 7, 1993. That hearing was cancelled when town officials notified the Chairman that plans to terminate the six employees had been abandoned.

SPECIAL CONSTABLES

Special Constables are appointed by a Police Services Board pursuant to section 53(1) of the Police Services Act or by the Commissioner of the Ontario Provincial Police pursuant to section 53(2) of the Police Services Act. All such appointments require the approval of the Ontario Civilian Commission on Police Services.

AUXILIARIES

Section 52(1) of the Police Services Act states "With the Commission's approval, a board may appoint auxiliary members of the police force.

Similarly, Section 52(3) allows the Commissioner of the Ontario Provincial Police to "... appoint auxiliary members of the Ontario Provincial Police."

During the calendar year 1993, the following auxiliary police units were approved by the Ontario Civilian Commission on Police Services. Each police service provided the Commission with a copy of a by-law or a resolution passed establishing regulations for the government of the auxiliary unit. Details outlining unit responsibilities, training (including firearms training) and supervision were obtained.

<u>Force</u>	<u>Approval Date</u>	<u>Authorized Strength</u>
Gananoque	December 6, 1993	4
Gloucester	October 27, 1993	30
Nepean	October 27, 1993	30

DISCIPLINARY DECISIONS

DECISION BY BOARD, COMMISSIONER

DISPOSITION BY O.C.C.P.S.

POLICE FORCE	CHARGE	DECISION BY BOARD, COMMISSIONER	DISPOSITION BY O.C.C.P.S.
Waterloo Regional Police Services	15 Counts of Discreditable Conduct and Neglect of Duty. Penalty imposed by Hearing Officer - Charges 2 - 10) Reduction in rank to third class constable. (Charges 13 -15) Forfeiture of 15 hours per Neglect of Duty charge. (Charge 1) Six month reduction in rank from third class constable to fourth class (high).	Waterloo Regional Police Services Board requested OCCPS to hear this appeal pursuant to Section 64 of the Police Services Act.	Appeal against all convictions denied and appeal from penalty dismissed.
OPP	Discreditable Conduct.	Reduction in gradation of rank from Sergeant S.G. 01 to S.G. 02 for a period of one year.	Appeal allowed. Quashed the penalty imposed and substituted a penalty of the loss of five days' pay and a reprimand.
Haldimand-Norfolk Regional Police Services	Incapable of performing the essential duties of the position of police officer pursuant to Section 47(2) of the Police Services Act.	Dismissal.	Appeal allowed. Ordered the Board to re-hear the matter.
MTPF	Discreditable Conduct.	Forfeiture of 16 hours off. (or 2 days under the old system)	Appeal dismissed.

POLICE FORCE

CHARGE

DECISION BY BOARD,
COMMISSIONER

DISPOSITION BY
O.C.C.P.S.

OPP

Neglect of Duty.

Brockville

Neglect of Duty.

Loss of six days' pay until it was discovered that the penalty was in violation of Section 61(1)(e) and the penalty was reduced to five days' pay.

Peel Regional

Discreditable Conduct.

Dismissal.

Appeal dismissed.

Loss of four days' pay.

Quashed the finding of guilt and penalty imposed.

Appeal dismissed.

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 **ESSELTE**

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